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Attorneys for Defendants
CHUBB & SON INC. and VIGILANT INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WINERY ASSET MANAGEMENT, INC., a
California corporation,

Plaintiff,

v.

CHUBB & SON INC., VIGILANT
INSURANCE COMPANY, and DOES 1 through
100, inclusive,

Defendants.

CASE NO. C-06-3605 MMC

**STIPULATION REGARDING
DISCLOSURE OF SETTLEMENT
AGREEMENT; ~~PROPOSED~~
ORDER**

Date Action Removed: June 6, 2006

Trial Date: Not set

Discovery Cutoff: Not set

Plaintiff Winery Asset Management, Inc. ("WAMI") and Defendant Vigilant Insurance Company ("Vigilant") hereby stipulate, through their respective counsel of record, as follows:

1. On or about June 28, 2006, the Court entered a Stipulation and Protective Order Re: Confidential Documents ("Protective Order"). Paragraph 1 of the Protective Order recites, in pertinent part:

Confidential Material Defined: Plaintiff WINERY ASSET MANAGEMENT, INC. has been requested to produce documents relating to WAMI's lawsuit against Portocork America, Inc. and Portocork International, Inc. (Napa Superior Court Case No. 26-24738) ("Portocork Litigation"), including the settlement agreement from the Portocork

1 Litigation. Some of the documents from the Portocork Litigation were
2 designated as Confidential, including the settlement agreement. If such
3 documents are produced in *Winery Asset Management, Inc. v. Chubb &*
4 *Son Inc., et al.*, Napa Superior Court Case No. 26-33182, removed on June
5 6, 2006 to the United States District Court for the Northern District of
6 California, San Francisco Division, Case No. C-06 3605 EDL ("Coverage
7 Litigation"), they will be marked "Confidential" and will be collectively
8 referred to herein as "Confidential Material."

9 2. Counsel for WAMI and counsel for Portocork America, Inc. and Portocork
10 International, Inc. (collectively "Portocork") have advised counsel for Vigilant that the consent
11 of both WAMI and Portocork is necessary in order to release the settlement agreement regarding
12 the Portocork Litigation to Vigilant.

13 3. Counsel for WAMI and Portocork have advised that they may decide to
14 voluntarily provide the settlement agreement regarding the Portocork Litigation to Vigilant.

15 4. Counsel for Vigilant has advised that it may issue discovery requests seeking
16 production of the settlement agreement regarding the Portocork Litigation. Counsel for
17 Portocork has requested that it be granted standing to file an appropriate motion with the Court to
18 enforce the confidentiality of the settlement agreement regarding the Portocork Litigation,
19 including filing an appropriate motion pursuant to the Protective Order. WAMI and Vigilant are
20 agreeable to granting standing to Portocork to file an appropriate motion with the Court to
21 enforce the confidentiality of the settlement agreement regarding the Portocork Litigation,
22 including filing an appropriate motion pursuant to the Protective Order.

23 5. Vigilant and WAMI further stipulate that the instant Stipulation may be executed
24 in counterparts.

25 Dated: August 3, 2006

CARLE, MACKIE, POWER & ROSS

26
27 By: 

28 Dawn M. Ross
Attorneys for Plaintiff WINERY ASSET
MANAGEMENT, INC.

Aug-08-08 09:07pm From:Tressler Soderstrom Maloney & Priess 3102034850 T-474 P.000/008 F-268

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2 Dated: August 4, 2006

TRESSLER, SODERSTROM, MALONEY & PRIESS,
LLP

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4
5 By: 

Paul S. White
Rina Carmel
Attorneys for Defendants CHUBB & SON INC. and
VIGILANT INSURANCE COMPANY

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8 APPROVED AS TO FORM:

9 Dated: August 4, 2006

ORRICK, HERRINGTON & SUTCLIFFE LLP

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11
12 By: 

George A. Yubas
Attorneys for PORTOCORK AMERICA, INC. and
PORTOCORK INTERNATIONAL, INC.

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15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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17 DATED: August 7, 2006

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19
20 UNITED STATES DISTRICT JUDGE

21 LA 90879 v2 (2245-68)